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APR 30 1992

Federal Communications Commission
Office of the Secretary

April 29, 1992

VIA HAND DELIVERY

The Honorable Donna R. Searcy, Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

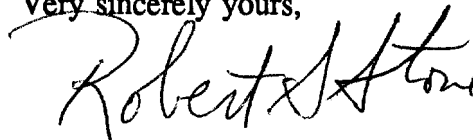
Re: MM Docket No. ~~92-359~~ ⁹²⁻⁶³ Greenville, Georgia
Orchon Broadcasting Company (BPH-901221MI)

Dear Ms. Searcy:

We submit herewith, on behalf of our client, Orchon Broadcasting Company, an original and six copies of a Petition for Leave to Amend and accompanying amendment to its construction permit application now on file at the Commission for a new FM station to serve Greenville, Georgia on FM Channel 239A (95.7 MHz). Also enclosed is an additional copy of the Petition and amendment which we would appreciate your returning to the undersigned in the enclosed postage paid, self-addressed envelope after it has been date-stamped by your office.

Should you or any members of your staff have questions concerning the enclosed, please contact the undersigned for clarification. Thank you for your cooperation in this matter. With kind regards, I remain

Very sincerely yours,



Robert S. Stone
Counsel to Orchon Broadcasting Company

RSS/dlb
Enclosures

cc: Orchon Broadcasting Company
Service List

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Federal Communications Commission
Office of the Secretary

In re Applications of)	MM Docket No. 92-63
)	
NADINE P. RICHARDSON, d/b/a)	File No. BPH-901221MG
ROCKY MOUNT BROADCASTING)	
)	
ORCHON BROADCASTING COMPANY)	File No. BPH-901221MI
)	
For Construction Permit for a)	
New FM Station on Channel 239A)	
in Greenville, Georgia)	
To: The Honorable Joseph Stirmer		
Chief Administrative Law Judge		

PETITION FOR LEAVE TO AMEND

Orchon Broadcasting Company ("Orchon"), by counsel, and pursuant to the directive of the Chief, Audio Services Division, at ¶4 of the Commission's Hearing Designation Order, DA92-359, released April 13, 1992, hereby respectfully requests the Presiding Officer to accept the amendment to Orchon's application submitted herewith, which clarifies the applicant's previous description of steps which will be taken by Orchon to limit RF exposure to workers authorized access to Orchon's proposed tower site. In support whereof, the following is shown:

1. As noted above, the amendment proffered herewith is filed in response to and at the direction of the Chief, Audio Services Division, whose Order required Orchon to file the same within thirty (30) days after April 13, 1992, the date of the above-described Hearing

Designation Order.¹ Thus, Orchon has prepared and filed the subject amendment with all due diligence and well within the time frame mandated by the Chief, Audio Services Division. *See, also*, 47 C.F.R. § 73.3522(b)(2).

2. In addition to Orchon's obligation to comply with the directives of the Chief, Audio Services Division, Orchon respectfully submits that good cause exists for the acceptance of the amendment proffered herewith. It has been filed diligently and would require no addition of issues or parties to the above-captioned proceeding or otherwise disrupt the disorderly conduct of the proceeding. Indeed, acceptance of the amendment would allow for deletion of the contingent environmental issue specified by the Chief, Audio Services Division following the Bureau's favorable analysis of the amendment. In that regard, Orchon respectfully submits that its application will be "immediately grantable" as a result of the amendment submitted herewith and that the "deletion" of the contingent environmental issue will allow for full refund of Orchon's hearing fee, pursuant to § 1.1111(b)(4) of the Commission's rules and regulations, in light of the settlement reached in this proceeding as described below. *See, also*, Establishment of a Fee Collection Program to Implement the Provisions of the Omnibus Budget Reconciliation Act of 1989, 6 FCC Rcd 5919, 5925 (1991). The amendment would likewise have no comparative significance or otherwise prejudice competing applicant Nadine P. Richardson, d/b/a Rocky Mount Broadcasting ("Richardson").²

¹ As noted by the attached Certificate of Service, a copy of the amendment has been filed with the Chief, Audio Services Division, so that the Mass Media Bureau may confirm that Orchon's proposal will not have a significant impact upon the quality of the human environment.

² Orchon notes that Orchon and Richardson have reached a Settlement Agreement providing for the dismissal of Richardson's application and the grant of Orchon's application. The parties' Joint Motion for Approval of Settlement Agreement shall be filed on or before May 4, 1992, the deadline for filing notices of appearance in the instant proceeding.

WHEREFORE, premises considered, Orchon Broadcasting Company respectfully requests the Presiding Officer to accept the accompanying amendment for association with its application consistent with the above.

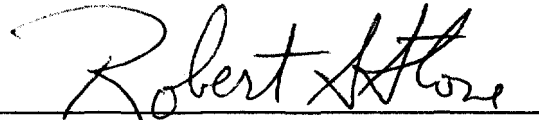
Respectfully submitted,

ORCHON BROADCASTING COMPANY

McC Campbell & Young, Its Attorneys

McCAMPBELL & YOUNG
2021 Plaza Tower
Post Office Box 550
Knoxville, TN 37901-0550
(615) 637-1440

By: _____

A handwritten signature in dark ink, appearing to read "Robert S. Stone", is written over a horizontal line.

Robert S. Stone

April 28, 1992

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APR 30 1992

AMENDMENT

Federal Communications Commission
Office of the Secretary

The application of Orchon Broadcasting Company ("Orchon") for authority to construct and operate a new FM broadcast station to serve the community of Greenville, Georgia on FM Channel 239A (File No. BPH-901221MI) is hereby amended so as to provide the following explanation of what steps will be taken to limit RF exposure to workers authorized access to the applicant's tower site, in compliance with ¶4 of the Hearing Designation Order, DA92-359, released April 13, 1992, designating Orchon's application for hearing:

The proposed construction satisfies the requirements of OST Bulletin No. 65 (October 1985), entitled, "Evaluating Compliance With FCC-Specified Guidelines for Human Exposure to Radiofrequency Radiation", and fully complies with the radio frequency protection guidelines recommended in "American National Standard Safety Levels With Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 300 kHz to 100 GHz", (ANSI C95.1-1982) with respect to all areas accessible to workers or the general public. In addition to the protection afforded by the height of the proposed antenna above ground level, the facility will be properly marked with warning signs and entry to the facility will be restricted by means of locked fencing. In the event it becomes necessary for workers engaged in maintenance and repair to perform work in the vicinity of the antenna, the station will reduce power or discontinue operation in order to prevent workers from being exposed to RF levels exceeding the ANSI guidelines.

Based upon the above clarification, Orchon respectfully submits that its proposed facility would not have a significant impact on the human environment.

DATED this 25th day of April, 1992.

ORCHON BROADCASTING COMPANY

By: Edmidio Fernandez, Jr.
Edmidio Fernandez, Jr., President

CERTIFICATE OF SERVICE

I, Robert S. Stone, do hereby certify that I sent a copy of the foregoing Petition for Leave to Amend this 28th day of April, 1992, by U.S. mail, first class, postage prepaid, to the following persons:

Honorable Joseph Stirmer
Chief Administrative Law Judge
Federal Communications Commission
2000 L Street, N.W., Room 228
Washington, D.C. 20554

James Shook, Esq.
Hearing Branch, Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W., Suite 7212
Washington, D.C. 20554

Chief, Data Management Staff
Audio Services Division
Mass Media Bureau
Federal Communications Commission
1919 M Street, N.W., Room 350
Washington, D.C. 20554

W. Jan Gay, Assistant Chief
Audio Services Division
Mass Media Bureau
Federal Communications Commission
1919 M Street, N.W., Room 302
Washington, D.C. 20554

* Barbara L. Waite, Esq.
Venable, Baetjer, Howard & Civiletti
1201 New York Avenue, N.W.
Suite 1000
Washington, D.C. 20005-3917
Counsel to Nadine P. Richardson


Robert S. Stone

* via Federal Express